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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,714	01/06/2006	Thomas Gierschik	449122080300	9161
25227 7590 08/07/2007 MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 400 MCLEAN, VA 22102			EXAMINER TAKELE, MESEKER	
			ART UNIT 2174	PAPER NUMBER
			MAIL DATE 08/07/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/527,714	Applicant(s) GIERSCHIK ET AL.	
	Examiner Meseker Takele	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/25/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Battat (US Patent No.: 5,958,012).

As to claim 1, Battat discloses a communications network planning system, (see col. 6, lines 32-39) comprising with a graphical user interface see col., 5 lines, 65-66) having an overview of sub networks within a communications network (see col, 5 lines, 60-61), including:

a first selector for selecting a graphical representation of a sub network, which incorporates hierarchically, structured details of node types present in the sub network (see col., 16 lines, 46-54 and col., 1 lines, 40-45)

and details of links, which exist between the node types (see Figure 5 and Figure 14);

a second selector for selecting a combined graphical representation of an extract of each sub network for interlinked sub networks (see Figure 5),

in a region of a sub-network interface, which includes hierarchically structured details of the node types present in the region of the sub network interface concerned, and details of the links, which exist between the node types (see, Figure 11)

and a control unit for activating the graphical user interface in accordance with selection inputs received from an input unit (see Figure 10D).

As to claim 3, Battat discloses wherein the graphical representation of a sub network incorporates details of the functionality of the node types concerned (see col., 5 lines, 5-8).

As to claim 4, Battat discloses wherein the graphical representation of a sub network incorporates details of the nodes for each node type and/or the numbers of locations for each node type (see col., 1 lines, 41-45).

As to claim 5, Battat discloses wherein the graphical representation of a sub network incorporates details of the infrastructure installation products and/or their vendors, for the node types concerned (see col., 10 lines, 25-26).

As to claim 6, Battat discloses a method for creating communications network diagrams (see col., 1 lines 65-66), comprising: providing, through a graphical user interface of a communications network planning system (see col., 4 lines, 65-66),

a first selector for printing out a graphical representation of a sub network, which incorporates hierarchically structured details of node types present in the sub network and details of links which exist between the node types (see col., 16, lines, 46-54, col., 4 line, 53, col., 1 lines, 40-45, Figure 5 and Figure 14),

and a second selector for printing out a combined graphical representation of an extract, for linked sub networks (see Figure 5 and col., 4 lines, 53), of each sub network in a region of a sub network interface, which incorporates hierarchically structured details of node types present in a region of the sub network interface concerned, and details of links which exist between the node types (see Figure 11); and activating a printer device assigned to the communications

network planning system to print out communications network diagrams in accordance with selection inputs received from an input unit (see col., 5 line 37).

As to claim 7, Battat discloses a control program for a communications network planning system (see Figure 2), which can be loaded into a working memory of a control program device and which has at least one section of code such that, when executed, performs:

providing, through a graphical user interface of the communications network planning system, an overview of sub networks within a communications network (see col.7, lines, 60-61),

providing a first selector for selecting a graphical representation of a sub network (see col., 16 lines, 46-54 and col., 1 lines, 40-45), which incorporates hierarchically structured details of node types present in the sub network concerned and details of links which exist between the node types (see Figure 5 and Figure 14),

providing a second selector for selecting a combined graphical representation of an extract, for linked sub networks (see Figure 5), of each sub network in a region of a sub network interface, which incorporates hierarchically structured details of node types present in the region of the sub network interface, and details of links which exist between the node types (see Figure 11); and activating the graphical user interface to display a selected sub network and/or sub network interface, in accordance with selection inputs received from an input unit, when the control program is executed in the control program device (see abstract).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Battat (US Patent No.: 5, 958,012) in view of Bowman-Amuah (US Patent No.: 6, 611,867).

As to claim 2, Battat discloses wherein the details of node types, present in the sub network and/or the region of a sub network interface, are hierarchically structured according to the network hierarchy level to which the node concerned can be assigned, between the subscriber access network and the transport network (see col., 16 lines 46-54 and col., 1 lines, 40-45).

However Battat does not specifically disclose subscriber access network and the transport network. Bowman from the same field of endeavor discloses subscriber access network (see col., 8 lines, 27-28) and the transport network (Figure 14).

It would have been obvious to one of ordinary skill in the art to have modified Battat's network management at the time of the invention with subscriber network and transport network as presented by Bowman. The motivation to combine to provide service providers the tool to better manages their carrier data networks.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

MacLaurin et al. (US Pub No.: 2007/0136690) is cited to teach wedge menu.

Kang et al. (US Pub No.: 2007/0067732) is cited to teach Method and apparatus for highlighting buttons on screen on which a plurality of applications are displayed, and information recording medium thereof.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meseker Takele whose telephone number is (571) 270-1653. The examiner can normally be reached on Monday - Friday 7:30AM- 5:00PM est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT

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